

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
AIR QUALITY TECHNICAL ADVISORY COMMITTEE MEETING

Thursday, May 13, 1999
MAG Office
Phoenix, Arizona

MEMBERS PRESENT

Dick Bowers, City of Scottsdale, Chairman	*Connie Wilhelm-Garcia, Homebuilders Association of Central Arizona
*Bill Bates, City of Avondale	H. Maynard Blumer, American Institute of Architects- Central Arizona
Patrice Kraus, City of Chandler	*Peter Allard, Valley Forward
Danielle Typinski, Town of Gilbert	Ian Calkins, Phoenix Chamber of Commerce
Doug Kukino, City of Glendale	Monica Pastor, University of Arizona - Cooperative Extension
Christine Zielonka, City of Mesa	*Tom Russell, Arizona Nursery Association
Gaye Knight, City of Phoenix	Pat Cupell for Stephanie Bondeson, Arizona Department of Transportation
Mike Short for Mary O'Conner, City of Tempe	Phil De Nee for Randy Sedlacek, Arizona Department of Environmental Quality
*Walter Bouchard, Citizen Representative	Jo Crumbaker, Maricopa County Environmental Services Department
Arve Dahl, Citizen Representative	Mark Ellery for Dennis Ehrhart, Arizona Department of Weights and Measures
David Feuerherd, Arizona Lung Association	Dennis Mittelstedt, Federal Highway Administration
*W. Knox Ramsey, Jr., Arizona Automobile Dealers Association	Judi Nelson, Arizona State University
Greg Witherspoon, Salt River Project	*James Klinker, Arizona Farm Bureau
Brian O'Donnell, Southwest Gas Corporation	*B. Bobby Ramirez, Salt River Pima-Maricopa Indian Community
Jim Mikola for Scott Davis, Arizona Public Service Company	David Rueckert, Citizen Representative
Gina Grey, Western States Petroleum Association	
Eddie Caine for Bryan Jungwirth, Regional Public Transportation Authority	
*Dave Berry, Arizona Motor Transport Association	
*Jeannette Fish for Michael Kidd, Maricopa County Farm Bureau	
*Samuel Aubrey, Arizona Rock Products Association	
*David Martin, Associated General Contractors	

*Those members were neither present nor represented by proxy.

OTHERS PRESENT

Charlie Stevens, Western States Petroleum Association	Lindy Bauer, Maricopa Association of Governments
Kelly McMullen, Maricopa County DOT	Liz Szeus, Arizona Department of Transportation
Judy Wood, Arizona State Land Department	Andrea Martincic, TOSCO
Don Garrison, Pinal County	Ross Rodgers, AG BMP Committee
Cari Anderson, Maricopa Association of Governments	Peggy Carpenter, Scottsdale
Allan Kosecki, Maricopa Association of Governments	Larry D. Person, Scottsdale
Cathy Arthur, Maricopa Association of Governments	Kevin Adam, Mesa
Steven Peplau, Maricopa County Environmental Services Department	Jennifer Anderson, Arizona Center for Law in the Public Interest
	Mary Jo Pitzel, Arizona Republic
	Gilbert Sandran, Arizona Department of Transportation

Call to Order

A meeting of the MAG Air Quality Technical Advisory Committee was conducted on Thursday, May 13, 1999. Richard A. Bowers, Scottsdale City Manager, Chairman, began a discussion of the agenda items at 1:45 p.m. since a quorum was not present.

3. Transportation Conformity Court Ruling

This item was presented out of order since a quorum was not present. Lindy Bauer, MAG, provided an update on the March 2, 1999 Court Ruling. The U.S. Court of Appeals for the District of Columbia issued an opinion in the transportation conformity lawsuit that found the EPA 1997 conformity rules were inconsistent with the Clean Air Act. The court disallowed: non-federal funded and grandfathered projects to proceed during a lapse; use of a conformity budget in a submitted air quality plan that has not been approved or has been disapproved by EPA; and the use of a safety margin for transportation activities in a submitted, but not approved air quality plan.

In response to the court ruling, MAG conducted a supplemental conformity analysis for the current approved 1998 conformity finding for the FY 1999-2003 MAG Transportation Improvement Program and Long Range Transportation Plan. FHWA issued interim guidance that indicates if the conformity process is based on a submitted budget, the conformity determination must be based on either: a currently approved budget; or a submitted budget and the emissions reductions test (i.e., build/no build). MAG submitted two additional tests for Carbon Monoxide and Ozone: the build versus no build test and the less than 1990 test. No additional tests were necessary for PM-10.

The additional emissions reduction tests were submitted to FHWA on April 22, 1999. On April 23, 1999, EPA concurred with the tests. Additional documentation on the public process was submitted on April 27, 1999. On April 29, 1999, FHWA reaffirmed approval.

Gaye Knight, City of Phoenix, asked how areas that are currently in a conformity lapse, get back into conformance. Ms. Bauer responded that areas that are in a conformity lapse cannot move forward with any capacity enhancing, regionally significant projects. Ms. Knight asked if areas that are in a lapse are moving money to exempt projects. Ms. Bauer indicated that the Atlanta region was pursuing this approach.

Chairman Bowers stated that he experienced the conformity process through the MAG Management Committee first hand and appreciated the Herculean effort MAG staff made in resolving the conformity issues as a result of the court ruling.

2. Approval of the March 11, 1999 Meeting Minutes

Chairman Bowers indicated that a quorum was now present. The Committee reviewed the minutes from the March 11, 1999 meeting. David Rueckert, Citizen Representative, moved, Maynard Blumer, American Institute of Architects, seconded, and it was unanimously carried to approve the minutes from the March 11, 1999 meeting.

4. Draft Conformity Analysis of the Draft FY 2000-2004 MAG Transportation Improvement Program and Long Range Transportation Plan Summary and 1999 Update

Cari Anderson, MAG, indicated that the Draft 1999 Conformity Analysis was completed and available for public review. The public hearing will be conducted on June 1, 1999 on the Draft TIP, LRTP and Conformity Analysis.

Ms. Anderson indicated that under the federal conformity rule, the principal criteria for a determination of conformity for transportation plans and programs are: the TIP and LRTP must pass conformity tests for emissions, based on the March 2 court ruling; the latest planning assumptions and emission models must be used; the TIP and LRTP must provide for timely implementation of TCMs specified in the air quality plans; and consultation must be conducted. Consultation generally occurs at the beginning of the conformity analysis process, on the proposed methodologies for the upcoming analysis and projects to be assessed, and at the end of the process, on the draft report. The final determination of conformity for the TIP and LRTP is the responsibility of FHWA and FTA. It was noted that the conformity process and proposed methodology had been revised in response to the March 2 court ruling and was currently out for consultation. Comments are due at the next Regional Council meeting.

A regional emissions analysis was conducted for the years 2000, 2010, and 2019 for each pollutant. All analysis were conducted using the latest planning assumptions and emission models. For CO, the total emissions associated with the implementation of the TIP and LRTP for all years are projected to be less than the corresponding no-build scenarios, less than the 1990 emission levels, and less than the budget specified in the Moderate Area SIP. For VOC, the emissions are projected to be less than the emission budget specified in the EPA-promulgated Ozone 15 Percent Rate of Progress Plan. It was noted that EPA has proposed a revision to the 15 Percent Plan, which increases the budget, but the plan is not final at this time. Finally, for PM-10, the emissions associated with the build scenario are projected to be less than the no-build scenario.

The analysis demonstrates that the TIP and LRTP passed all required conformity tests using the latest planning assumptions and emissions models. The TIP and LRTP support the implementation of TCMs. And, consultation has been conducted in accordance with the federal requirements.

Brian O'Donnell, Southwest Gas Corporation, asked if there was a conflict with the conformity analysis and the PM-10 Plan. Ms. Anderson responded that the Draft PM-10 Plan is currently available for public review. Once the plan is submitted to EPA and EPA either determines the conformity budget adequate or approves the Plan, then future conformity analyses will need to be consistent with the Serious Area Plan. Until such time, the conformity rules and subsequent FHWA guidance indicate that a build versus no-build test should be conducted.

Christine Zielonka, City of Mesa, asked why the PM-10 estimates for conformity were increasing over time, yet the Serious Area Plan demonstrates attainment by 2006. Ms. Anderson indicated that the build versus no-build test does not reflect the control measure assumptions contained in the Draft Serious Area Plan because the plan is currently available for public review. Once the plan has been

submitted to EPA, future conformity analyses will use methodologies and assumptions consistent with the Serious Area Plan.

Maynard Blumer, American Institute of Architects, stated that the percentage figures listed on Table ES-4 did not add to 100 percent. Ms. Anderson stated that the Figure would be corrected for the final document.

5. Public Hearing on the Draft MAG 1999 Serious Area Plans for Carbon Monoxide and Particulates (PM-10)

Ms. Bauer invited the Committee to attend the public hearing on the Draft MAG 1999 Serious Area Carbon Monoxide and MAG 1999 Serious Area Particulate Plan for PM-10 which will be conducted on May 20, 1999; the hearing will be held at 6:00 p.m. in this room. Copies of the executive summaries for both plans were provided in the agenda packet. A summary of the comments received and responses will be presented to the committee at the next meeting. The committee will be requested to make a recommendation on the plans to the MAG Management Committee at the June 3, 1999 meeting.

Ms. Bauer indicated that Maricopa County was progressing with Rule 310. The Board of Supervisors are scheduled to act on the Rule in June and submit a final version to be included in the Particulate Plan.

David Feuerherd, Arizona Lung Association, asked how the Ober lawsuit impacted the Agriculture Best Management Practice measures being used as contingency measures in the Serious Area PM-10 Plan. Ms. Bauer responded the lawsuit should not affect the contingency measures in the Plan because the measures have been adopted outright and there is no triggering mechanism for their implementation.

7. Legislative Update

This item was presented out of order. Ms. Bauer provided an update on air quality bills that were passed by the Arizona Legislature in the 1999 session. House Bill 2254 extended the Vehicle Emissions Inspection Program to a 10-year sunset review period. The VEIP program had a repeal date of December 31, 2001. EPA and FHWA had indicated that credit for the program beyond 2001 could not be assumed in the air quality conformity analysis. FHWA and EPA agreed to accept a 10-year sunset date for conformity determinations of Arizona's long-range transportation plans.

Ms. Zielonka inquired about the ADEQ funding issues for the Vehicle Emissions Inspection Program. Ms. Bauer indicated that the fee cap for the I/M testing program was removed during the budget session.

Gaye Knight, City of Phoenix, asked about the alternative fuels bill which would have prohibited cities that did not meet the goals to drive their fleet vehicles in the nonattainment area. Ms. Bauer indicated that the provision had not passed.

6. Air Quality Monitoring Data

Steven Peplau, Maricopa County Environmental Services Department, provided an overview of the latest air quality monitoring data. Mr. Peplau indicated that the 1998 Air Monitoring Network Review was available and noted that a stakeholder meeting was scheduled from 8:30 to 11:00 am on June 2, 1999. A map depicting the Maricopa County Air Monitoring Sites in 1998 was presented. Mr. Peplau indicated that the Salt River monitor was relocated to the Durango Complex; lead monitoring was being discontinued; and sulfur dioxide monitoring was being discontinued at two sites.

Brian O'Donnell, Southwest Gas Corporation, asked for a status report regarding the violations at the Salt River site. Mr. Peplau responded that approximately 20 violation notices were issued and 80 businesses in the area were contacted. The Durango site concentrations were approximately twelve percent lower than the Salt River Site; however, the monitor was still in violation of the PM-10 standard.

Mr. Blumer stated that it appeared that the county was juggling the location of the site without controlling the problem at the site. Mr. Peplau responded that the Salt River site was a Special Purpose Monitor that was temporary, and not representative of the area. The relocation to the Durango Complex was more representative of the area.

Mr. Rueckert asked if the Salt River site could be maintained to evaluate primary sources surrounding the site. Mr. Peplau responded that the Salt site is only monitoring the facilities in the immediate area and therefore is not representative of the area.

Mr. Peplau proceeded to review trend charts summarizing pollutant concentrations and number of exceedance days for carbon monoxide, ozone, and PM-10.

Ms. Zielonka asked about the ADEQ ozone modeling versus the monitoring data. Mr. Peplau responded that ADEQ conducted a special study last summer, but was unaware of the status of the ADEQ modeling. Ms. Zielonka then requested a status update from ADEQ.

Ms. Zielonka asked about the planning schedule for the new ozone standard. Ms. Bauer clarified that if no 1-hour ozone violations are recorded this summer, the area will have three years of clean data; EPA will then revoke the 1-hour standard. No maintenance plan will be required. The proposed EPA implementation guidance for the new 8-hour standard indicates areas will be designated nonattainment and classified for the new standard in July 2000.

Ms. Zielonka asked when the ozone plan was due. Ms. Bauer indicated that the plan was due March, 1999. ADEQ transmitted a letter to EPA indicating that the plan would not be submitted in anticipation of the revocation of the 1-hour standard. However, all committed control measures are currently in place and will be implemented.

Ms. Zielonka inquired about the PM-10 monitoring data getting worse. Lindy Bauer, MAG, indicated that the Serious Area Plan measures are to be implemented no later than June 10, 2000 and the modeling data indicates attainment of the 24-hour and annual standards by 2006.

Gina Grey, Western States Petroleum Association, requested a presentation on the regional haze rule and the coordination of efforts between MAG, Maricopa County, and ADEQ.

Mr. Rueckert stated that there were issues with the EPA inspectors for the FIP and discussed monitoring of violations versus visual observations. Jo Crumbaker, Maricopa County Environmental Services Department, responded that it was not cost-effective to conduct site monitoring. Maricopa County and EPA are looking to develop surrogate indicators for the testing. Ms. Crumbaker noted that the focus was to increase the emphasis on stabilization.

Mr. Feuerherd asked if there was any 2.5 monitoring data yet. Ms. Crumbaker indicated that ADEQ was struggling with the instrumentation. As a result, data is not yet available. In addition, EPA is still working on the measurement methods.

8. Call to The Public

An opportunity was provided to members of the public to address the Air Quality Technical Advisory Committee. Jennifer Anderson, Arizona Center for Law in the Public Interest stated that she had replaced David Baron and taken over the Ober case. The basic premise is that the Moderate Area FIP cannot defer agriculture controls. There is currently a proposal to replace the FIP with a SIP. If the Center wins the Ober lawsuit, the Draft Plan cannot include credit for the Agriculture Best Management Practices. In addition, it is the Center's view that the Serious Area SIP needs agricultural controls in the plan, not just as contingency measures.

Ms. Zielonka requested a presentation to the committee relating to MTBE issues and the Draft ADEQ report relating to MTBE.

9. Next Committee Meeting

The next meeting of the Air Quality Technical Advisory Committee is tentatively scheduled for June 3, 1999. With no further business, the meeting was adjourned.